

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**PORTELLA CHACON, ET AL.,**

**Plaintiffs,**

*- against -*

**CCK CLEANERS INC., ET AL.,**

**Defendants.**

**19 Civ. 485 (PED)**

**ORDER**

**PAUL E. DAVISON, U.S.M.J.:**

The parties to this wage-and-hours action seek approval, pursuant to Cheeks v. Freeport Pancake House, 796 F.3d 199 (2d Cir. 2015), of their Fair Labor Standards Act (“FLSA”) settlement agreement. [Dkt. 28.] The agreement appears on the docket as an attachment to plaintiff’s letter seeking approval. [Dkt. 28-1.] Notably, the agreement contemplates a separate, confidential settlement of plaintiff’s claims under the New York Labor Law and related statutes.

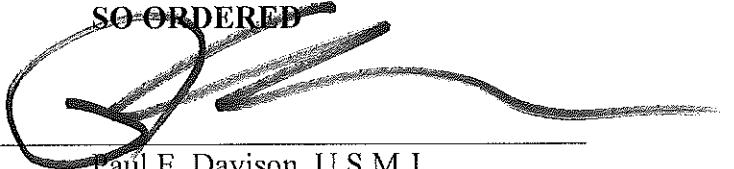
This Court conducted a settlement conference in this action on September 18, 2019, so the Court is familiar with the issues presented by the case and with the compromises which led to settlement. The proposed agreement before the Court is consistent with those discussions. The Court notes that, despite plaintiff’s unpaid overtime claims, defendants produced records tending to show that defendant’s tracked plaintiff’s hours and paid her overtime. Accordingly, plaintiff’s non-FLSA claims appeared substantially stronger than her FLSA claims.

Under these circumstances, the proposed settlement – including the proposed bifurcation of the on-the-record FLSA settlement and the confidential non-FLSA settlement – is fair and reasonable, and is **APPROVED**. Plaintiff’s FLSA claims are **DISMISSED WITH PREJUDICE**, and plaintiff’s New York State law claims are **DISMISSED WITHOUT PREJUDICE**.

The Clerk shall close this case.

Dated: October 15, 2019  
White Plains, New York

SO ORDERED



Paul E. Davison, U.S.M.J.